

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
United States of America, :

:
-v.- :
:

Oluwaseun Olubukola Ogunbambo. :
:

Defendant. :
-----x

**ORDER DENYING MOTION FOR
PRETRIAL RELEASE**

19 Cr. 895 (AKH)

ALVIN K. HELLERSTEIN, UNITED STATES DISTRICT JUDGE:

Defendant has submitted a motion for temporary pretrial release in light of the COVID-19 pandemic. *See* ECF No. 17, 21. The government opposes. *See* ECF Nos. 19, 22. The motion is denied. Defendant presents a serious flight risk. Not only has Defendant been charged in this matter with fraudulent procurement of travel documents, *see* ECF No. 4, but the record suggests that Defendant previously fled fraud charges in Nigeria by returning to the United States (wherefrom he had previously been deported), and that Defendant has—on more than one occasion—failed to appear for criminal proceedings in other districts. *See* ECF No. 19, at 2-3. In short, I find no good reason for Defendant's release, *see* 18 U.S.C. § 3142(i).¹

SO ORDERED.

Dated: New York, New York
 April 16, 2020

/s/
ALVIN K. HELLERSTEIN, U.S.D.J.

¹ Defendant argues that he is at particular risk from COVID-19 because he suffers from asthma. *See* ECF No. 17, at 2. For one thing, the seriousness of Defendant's asthma is unclear, given that, upon arrest, Defendant informed law enforcement that he had no medical conditions and was not taking medication. *See* ECF No. 19, at 4. And the only evidence in the record to substantiate Defendant's having asthma is an affidavit from his spouse saying that Defendant "has Asthma and uses an albuterol inhaler to manage it." ECF No. 17-1. In any case, Defendant is not in a high-risk age category and his asthma is not enough here alone to overcome the acute risk of flight that would be introduced by his pretrial release. Cf., e.g., *United States v. Irizarry*, 17 Cr. 283, ECF No. 354, at 6-7 (Apr. 8, 2020) ("While it stands to reason that COVID-19 could pose complications for someone suffering from asthma, unfortunately, like much about COVID-19 at this stage, just how much asthma can exacerbate the risks of COVID-19 is currently unknown. And, as noted by the Government, BOP has taken numerous steps to mitigate the risk of COVID-19 spreading within the MCC."). Lastly, even if Defendant were to be ordered released from criminal detention pending trial, it is not at all clear he would be subject to less dangerous conditions vis-à-vis COVID-19, as he is subject to an immigration detainer and could be taken into custody by Immigration and Customs Enforcement. *See*, e.g., *United States v. Lett*, 944 F.3d 467, 469 (2d Cir. 2019).